C.R.No.1084/02

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

S.B. CIVIL REVISION PETITION NO.1084/2002

Bunda Khan Vs. Kamal Prakash

DATE OF ORDER :: 21/11/2006

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. B.L. Mandhana, for petitioner
Mr. S.K. Singodiya, for respondent

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Instant revision petition has been filed against the order dated 23rd July, 2002 whereby the application filed by the defendant-petitioner under O.9 R.13 CPC was rejected by the learned trial Judge.

Counsel for respondent has raised preliminary objection that in view of amendment made u/s.115 CPC, the present revision petition is not maintainable.

Counsel for petitioner has opposed his request, but I find that in view of amendment made, which has been considered by the Apex Court in **Shiv Shakti Coop. Housing Society Vs. Swaraj Developers [AIR 2003 SC 2434],** the present revision petition is not maintainable, the same stands dismissed. However, the petitioner will be at liberty to avail remedy available to him under law.

[AJAY RASTOGI],J.

FRBOHRA,JR.P.A.